

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SANTA ANA REGION  
ORDER NO. 01-34  
NPDES NO. CAG 618005

WATERSHED-WIDE WASTE DISCHARGE REQUIREMENTS  
FOR  
DISCHARGES OF STORM WATER RUNOFF ASSOCIATED WITH NEW DEVELOPMENTS  
IN THE SAN JACINTO WATERSHED

The California Regional Water Quality Control Board, Santa Ana Region (hereinafter Regional Board), finds that:

1. Federal regulations for controlling pollutants in storm water discharges were promulgated by the U.S. Environmental Protection Agency (USEPA) on November 16, 1990 (40 Code of Federal Regulations (CFR) Parts 122, 123, and 124). The final rule for Phase II storm water program was published on December 8, 1999. The regulations require discharges of storm water to surface waters associated with new developments (construction activities) including clearing, grading, and excavation activities (except operations that result in disturbance of less than one acre of total land area and which are not part of a larger common plan of development or sale)<sup>1</sup> to obtain an NPDES permit and to implement Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to reduce or eliminate storm water pollution.
2. This Order regulates pollutants in discharges of storm water associated with new developments (storm water discharges) to surface waters from areas tributary to Lake Elsinore and Canyon Lake (San Jacinto Watershed). The State Board's General Storm Water Permit for Construction Activity (Water Quality Order No. 99-08-DWQ) has been amended to incorporate the following changes for construction projects in areas tributary to Lake Elsinore and Canyon Lake:
  - a) Monitoring and reporting requirements have been added;
  - b) Storm Water Pollution Prevention Plan (SWPPP), Monitoring Programs, and Post-construction Management Plans must be submitted for approval in advance of construction activities; and,
  - c) Offset provisions have been added.

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<sup>1</sup> Construction activities under five acres are not covered by this permit.

These two Lakes are listed as impaired waters (listed under Section 303(d) of the Clean Water Act). Federal regulations require that a total maximum daily load (TMDL) be established for 303(d) listed waterbodies for each pollutant of concern. The TMDLs for Lake Elsinore and Canyon Lake are scheduled to be established by 2004. In the absence of TMDLs, waste discharge requirements must be established to control pollutants of concern in discharges to 303(d) listed waters. Discharges cannot cause or contribute to water quality or beneficial use impairment.

3. This Order does not preempt or supersede the authority of local storm water management agencies to prohibit, restrict, or control storm water discharges to separate storm sewer systems or other watercourses within their jurisdiction, as allowed by State and Federal law.
4. To obtain authorization for proposed storm water discharges to any tributaries or for direct discharges to Canyon Lake and Lake Elsinore, this Order requires that the discharger submit a Notice of Intent (NOI) with a vicinity map and a fee of \$250 to the Regional Board office prior to commencement of construction activities. In addition, coverage under this Order shall not commence until the applicant develops an acceptable Storm Water Pollution Prevention Plan (SWPPP), including a Monitoring and Reporting Program and a Post-construction Management Plan in accordance with the requirements of Section A (Storm Water Pollution Prevention Plan), Section B (Monitoring Program), and Section C (Post-construction Management Plan) of this Order. For proposed new developments conducted on easements or on nearby property by agreement or permission, or by an owner or lessee of a mineral estate (oil, gas, geothermal, aggregate, precious metals, and/or industrial minerals) entitled to conduct the activities, the entity responsible for the new development must submit the NOI and filing fee and shall be responsible for development of the SWPPP, Monitoring and Reporting Program and Post-construction Management Plan.
5. If an alternative Order is subsequently adopted that covers storm water discharges regulated by this Order, the applicability of this Order to such discharges is automatically terminated on the effective date of the alternative Order or the date of approval for coverage under the subsequent Order. In certain areas of the watershed, discharges from new developments may not affect Canyon Lake or Lake Elsinore. Developments in those areas may be exempted from coverage under this permit; however, coverage under the State Board's General Permit is still required.
6. The adoption of waste discharge requirements is exempt from the provisions of the California Environmental Quality Act (Public

Resources Code Section 21100, et seq.) in accordance with section 13389 of the California Water Code.

7. A revised Water Quality Control Plan (Basin Plan) became effective on January 24, 1995. The Basin Plan contains beneficial uses and water quality objectives for waters in the Santa Ana Region. The requirements contained in this order are necessary to implement the Basin Plan. Dischargers regulated by this Order must comply with the water quality standards in the 1995 Basin Plan and subsequent amendments thereto.
8. All discharges regulated under this Order are tributary to Lake Elsinore or Canyon Lake.

The beneficial uses of Lake Elsinore include:

- a. Water contact recreation,
- b. Non-contact water recreation,
- c. Warm freshwater habitat, and
- d. Wildlife habitat.

The beneficial uses of Canyon Lake include:

- a. Water contact recreation,
- b. Non-contact water recreation,
- c. Warm freshwater habitat,
- d. Wildlife habitat,
- e. Municipal and domestic supply,
- f. Agricultural supply, and
- g. Groundwater recharge.

9. Storm water and non-storm water discharges associated with new developments are a potential source of pollutants. Furthermore, storm water and non-storm water discharges associated with new developments have the reasonable potential to cause or contribute to an excursion above water quality standards for sediment, nutrients, pathogens, and toxic pollutants in Lake Elsinore and Canyon Lake.
10. This Order includes narrative effluent limits, discharge prohibitions, and receiving water limitations.
11. Certain types of non-storm water discharges are authorized under specified conditions. To the extent practicable, non-storm water discharges should be minimized through retention or by discharging to the sanitary sewer.
12. It is expected that with appropriate best management practices, structural controls, and elimination of most of the non-storm

water, the new developments should not cause or contribute to water quality standards impairment. An intensive monitoring effort is being developed to determine the effectiveness of these efforts. Should the monitoring results indicate continued violations of water quality objectives, additional BMPs and other control measures will be required.

13. Following public notice in accordance with State and Federal laws and regulations, the Regional Board in a public meeting on November 17, 2000, heard and considered all comments concerning this Order. The Regional Board has prepared written responses to all significant comments.
14. This Order shall serve as an NPDES permit in compliance with section 402 of the Clean Water Act (CWA) and shall take effect upon adoption by the Regional Board, provided the Regional Administrator of the USEPA has no objection. If the USEPA Regional Administrator objects to its issuance, the Order shall not become effective until such objection is withdrawn.

**IT IS HEREBY ORDERED** that all dischargers who file an NOI indicating their intention to be regulated under the provisions of this Order shall comply with the following:

**I. DISCHARGE PROHIBITIONS:**

1. Authorization to discharge wastes pursuant to this Order does not constitute an exemption to applicable discharge prohibitions prescribed in the Basin Plan.
2. Discharges of material other than storm water, which are not otherwise authorized by waste discharge requirements issued by this Board or the State Water Resources Control Board, to a municipal separate storm sewer system or to waters of the State, are prohibited, except as allowed in Special Provisions for Construction Activity, V.3.
3. Storm water discharges shall not cause or threaten to cause conditions of pollution, contamination, or nuisance as defined in Section 13050 of the California Water Code.
4. Storm water discharges regulated by this Order shall not contain a hazardous substance equal to or in excess of a reportable quantity listed in 40 CFR Part 117 and/or 40 CFR Part 302.

## **II. RECEIVING WATER LIMITATIONS:**

1. Storm water discharges and authorized non-storm water discharges to any surface or groundwater shall not adversely impact human health or the environment.
2. The SWPPP, Monitoring and Reporting Program and the Post-construction Management Plan developed for the new developments covered by this Order shall be designed and implemented such that storm water discharges and authorized non-storm water discharges shall not cause or contribute to an exceedance of any applicable water quality standards contained in the Basin Plan.
3. Should it be determined by the discharger, a local agency, or the Regional Board that storm water discharges and/or authorized non-storm water discharges are causing or contributing to an exceedance of an applicable water quality standard, the discharger shall:
  - a. Implement corrective measures immediately following discovery that water quality standards were exceeded, followed by notification to the Regional Board by telephone as soon as possible, but no later than 24 hours, after the discharge has been discovered. This notification shall be followed by a written report within 5-calendar days to the Regional Board, unless otherwise directed by the Regional Board, describing (1) the nature and cause of the water quality standards exceedance; (2) the BMPs currently being implemented; (3) any additional BMPs that will be implemented to prevent or reduce pollutants that are causing or contributing to the exceedance of water quality standards; and (4) any maintenance or repair of BMPs. This report shall include an implementation schedule for corrective actions and shall describe the actions taken to control the pollutants causing or contributing to the exceedance.
  - b. The discharger shall revise its SWPPP and monitoring program immediately after the report to the Regional Board to incorporate the additional BMPs that have been and will be implemented, the implementation schedule, and any additional monitoring needed.
  - c. Nothing in this section shall prevent the appropriate Regional Board from enforcing any provisions of this Order while the discharger prepares and implements the above corrective actions.

## **III. OFFSET PROVISIONS:**

The discharger has the option of proposing offsets for pollutants that may be discharged from the project site. The discharger should be able to accurately determine the amount of each pollutant discharged from the project site and should provide an acceptable offset to remove at least the same amount of pollutants from the watershed. For an offset program to be acceptable, the pollutant under consideration should not have an immediate adverse impact on the environment, it must be quantifiable, and the same pollutant must be removed from within the watershed. Acceptable offset programs may include: (1) participation in Lake dredging programs to remove sediment and phosphorus, (2) participation in alum treatment of the Lake to remove phosphorus, (3) treatment and/or removal of dairy wastes from the watershed to remove nitrogen and phosphorus compounds, (4) construction of treatment wetlands to remove nitrogen compounds and sediments, and (5) development and implementation or participation in other structural and/or non-structural control measures to control the discharge of listed pollutants.

All proposals for offsets should be included in the SWPPP.

#### **IV. SPECIAL PROVISIONS FOR CONSTRUCTION ACTIVITY:**

1. All dischargers shall file an NOI and pay the appropriate fee for each new development as required by Attachment 1, Notice of Intent--General Instructions.
2. All dischargers shall develop and implement a SWPPP in accordance with Section A, Storm Water Pollution Prevention Plan. The discharger shall implement controls to reduce pollutants in storm water discharges from new developments to the BAT/BCT performance standard.
3. Discharges of non-storm water are authorized only where they do not cause or contribute to a violation of any water quality standard and are controlled through implementation of appropriate BMPs for elimination or reduction of pollutants. Implementation of appropriate BMPs is a condition for authorization of non-storm water discharges. Non-storm water discharges and the BMPs appropriate for their control must be described in the SWPPP. Wherever feasible, alternatives that do not result in discharge of non-storm water shall be implemented in accordance with Section A.9. of the SWPPP requirements.
4. All dischargers shall develop and implement a monitoring program and reporting plan in accordance with Section B, Monitoring and Reporting Programs Requirements.

5. All dischargers shall develop and implement a post-construction management plan in accordance with Section C, Post-construction Management Plan.
6. All dischargers shall comply with the lawful requirements of municipalities, counties, drainage districts, and other local agencies regarding discharges of storm water to separate storm sewer systems or other watercourses under their jurisdiction, including applicable requirements in municipal storm water management programs developed to comply with NPDES permits issued by the Regional Board to local agencies.
7. All dischargers shall comply with the standard provisions and reporting requirements contained in Section D, Standard Provisions.
8. The discharger may terminate coverage for a portion of the project under this Order when ownership of a portion of the project has been transferred or when a phase within the multi-phase project has been completed. When ownership has been transferred, the discharger must submit to the Regional Board a Change of Information Form (COI), Attachment 3, with revised site map and the name, address and telephone number of the new owner(s). Upon transfer of title, the discharger should notify the new owner(s) of the need to obtain coverage under this Order. The new owner must comply with provisions of Sections A.2.(c) and E.18 of this Order. To terminate coverage for a portion of the project when a phase has been completed, the discharger must submit to the Regional Board a COI with a revised map that identifies the newly delineated site.
9. The discharger may terminate coverage under this Order for a completed project by submitting to the Regional Board a Notice of Termination Form (NOT). Note that a construction project is considered complete only when all of the following conditions have been met:
  - a. There is no potential for construction related storm water pollution;
  - b. All elements of the SWPPP have been completed;
  - c. Construction materials and wastes have been disposed of properly;
  - d. The site is in compliance with all local storm water management requirements; and

- e. A post-construction storm water management plan is in place, as described in the site's Post-construction Management Plan.

A NOT may also be filed if all portions of the site have been transferred to a new owner.

10. This Order expires on November 1, 2005.

**CERTIFICATION**

I, Gerard J. Thibeault, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, Santa Ana Region, on November 17, 2000.

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Gerard J. Thibeault  
Executive Officer



## **SECTION A: STORM WATER POLLUTION PREVENTION PLAN**

A Storm Water Pollution Prevention Plan (SWPPP) must be developed and submitted with the NOI for approval by the Executive Officer. A copy of the SWPPP must also be submitted to the local agency. The approved SWPPP shall be implemented concurrently with the start of construction activities.

### **1. Objectives**

A Storm Water Pollution Prevention Plan (SWPPP) shall be developed and implemented to address the specific circumstances for each project site covered by this Order. The SWPPP shall be certified in accordance with the signatory requirements of Section D, Standard Provision for New Developments Provision 9. The SWPPP shall be developed and amended or revised, when necessary, to meet the following objectives:

- a. Identify all pollutant sources including sources of sediment that may affect the quality of storm water discharges associated with new development (storm water discharges) from the construction site;
- b. Identify non-storm water discharges, and methods to eliminate them, or to properly manage them;
- c. Identify, construct, implement in accordance with a time schedule, and maintain Best Management Practices (BMPs) to reduce or eliminate pollutants in storm water discharges and authorized non-storm water discharges from the construction site during construction; and
- d. Develop a maintenance schedule for BMPs installed during construction designed to reduce or eliminate pollutants.

### **2. Implementation Schedule**

- a. The SWPPP shall be developed and submitted for approval of the Executive Officer with the NOI. The approved SWPPP shall be implemented concurrently with commencement of soil-disturbing activities.
- b. Ongoing construction activities must be reviewed to determine the applicability of this Order.
- c. For ongoing new developments involving a change of ownership of property, the new owner shall review the existing SWPPP and amend if necessary, or develop a new SWPPP within 45-calendar days of change of ownership.

3. Availability

The SWPPP shall remain on the construction site while the site is under construction, during working hours, commencing with the initial new development and ending with termination of coverage under the Order.

4. Required Changes

- a. The discharger shall amend the SWPPP whenever there is a change in construction or operations which may affect the discharge of pollutants to surface waters, ground waters, or a municipal separate storm sewer system. The SWPPP shall also be amended if the discharger violates any condition of this Order or has not achieved the general objective of reducing or eliminating pollutants in storm water discharges. If the Executive Officer determines that the discharger is in violation of this Order, the SWPPP shall be amended and the changes implemented in a timely manner, but in no case more than 14-calendar days after notification by the Executive Officer. All amendments should be dated and directly attached to the SWPPP.
- b. The Executive Officer or any local agency, with the concurrence of the Executive Officer, may require the discharger to amend the SWPPP.

5. Source Identification

The SWPPP shall include: (a) project information and (b) pollutant source identification, combined with an itemization of those BMPs specifically chosen to control the pollutants listed.

a. Project Information

- (1) The SWPPP shall include a vicinity map locating the project site with respect to easily identifiable major roadways, geographic features, or landmarks. At a minimum, the map must show the project site perimeter, the geographic features surrounding the site, and the general topography.
- (2) The SWPPP shall include a site map(s) which shows the new development site in detail, including existing and planned paved areas and buildings.
  - (a) At a minimum, the map must show the project site perimeter; existing and proposed buildings, lots,

roadways, storm water collection and discharge points; general topography both before and after construction; and the anticipated discharge location(s) where the storm water from the project site discharges to a municipal storm sewer system or other water body.

- (b) The drainage patterns across the project area must clearly be shown on the map, and the map must extend as far outside the site perimeter as necessary to illustrate the relevant drainage areas. Where relevant drainage areas are too large to depict on the map, map notes or inserts illustrating the upstream drainage areas are sufficient.
  - (c) Temporary on-site drainages to carry concentrated flow shall be selected to comply with local ordinances, to control erosion, to return flows to their natural drainage courses, and to prevent damage to downstream properties.
- (3) Information presented in the SWPPP may be represented either by narrative or by graphics. Where possible, narrative descriptions should be plan notes. Narrative descriptions which do not lend themselves to plan notes can be contained in a separate document which must be referenced on the plan.

b. Pollutant Source and BMP Identification

The SWPPP shall include a description of potential sources which are likely to add pollutants to storm water discharges or which may result in non-storm water discharges from the construction site. Discharges originating from off-site which flow across or through areas disturbed by construction that may contain pollutants should be reported to the Regional Board.

The SWPPP shall:

- (1) Show drainage patterns and slopes anticipated after major grading activities are completed. Runoff from off-site areas should be prevented from flowing through areas that have been disturbed by construction unless appropriate conveyance systems are in place. The amount of anticipated storm water run-on must be considered to determine the appropriateness of the BMPs chosen. Show all calculations for anticipated

storm water run-on, and describe all BMPs implemented to divert off-site drainage.

- (2) Show the drainage patterns into each on-site storm water inlet point or receiving water. Show or describe the BMPs that will protect these inlets from any accidental spills or leaks.
- (3) Describe how non-storm water or storm water contaminated by activities at the site, such as, but not limited to: storm water with elevated pH levels from contact with soil amendments such as lime or gypsum; slurry from sawcutting of concrete or asphalt; washing of exposed aggregate concrete; concrete rinse water; building washing operations; equipment washing operations; minor street washing associated with street delineation; and/or sealing and paving activities occurring during rains will be prevented from entering the storm sewer system or other surface waters.
- (4) Show existing site features that, as a result of known past usage, may contribute pollutants to storm water, (e.g., toxic materials that are known to have been treated, stored, disposed, spilled, or leaked onto the construction site). Show or describe the BMPs implemented to minimize the exposure of storm water to contaminated soil or toxic materials.
- (5) Show areas designated for the (a) storage of soil or waste, (b) vehicle storage and service areas, (c) construction material loading, unloading, and access areas, and (d) equipment storage, cleaning, and maintenance areas.
- (6) Describe the BMPs for control of discharges from waste handling and disposal areas and methods of on-site storage and disposal of construction materials and construction waste. Describe the BMPs designed to minimize or eliminate the exposure of storm water to construction materials, equipment, vehicles, waste storage areas, or service areas. The BMPs described shall be in compliance with Federal, State, and local laws, regulations, and ordinances.
- (7) Describe all post-construction BMPs for the project, and show the location of each BMP on the map. (Post-construction BMPs consist of permanent features designed to minimize pollutant discharges, including

sediment, from the site after construction has been completed.) Also, describe the responsible agency or for long-term operation and maintenance of these BMPs and funding mechanisms.

c. Additional Information

- (1) The SWPPP shall include a narrative description of pollutant sources and BMPs that cannot be adequately communicated or identified on the site map. In addition, a narrative description of pre-construction control practices (if any) to reduce sediment and other pollutants in storm water discharges shall be included.
- (2) The SWPPP shall include an inventory of all materials used and activities performed during construction that have the potential to contribute to the discharge of pollutants other than sediment in storm water. Describe the BMPs selected and the basis for their selection to eliminate or reduce these pollutants in the storm water discharges.
- (3) The SWPPP shall include the following information regarding the project site surface area: the size (in acres or square feet), the runoff coefficient before and after construction, and the percentage that is impervious (e.g., paved, roofed, etc.) before and after construction.
- (4) The SWPPP shall include a construction schedule that describes all major activities such as mass grading, paving, lot or parcel improvements at the site and the proposed time frame to conduct those activities.
- (5) The SWPPP shall list the name and telephone number of the qualified person(s) who have been assigned responsibility for prestorm, poststorm, and storm event BMP inspections; and the qualified person(s) assigned responsibility to ensure full compliance with the permit and implementation of all elements of the SWPPP, including the preparation of the annual compliance evaluation and the elimination of all unauthorized discharges.

6. Erosion Control

Erosion control, also referred to as "soil stabilization" is the most effective way to retain soil and sediment on the construction site. The most efficient way to address erosion control is to preserve existing vegetation where feasible, to limit disturbance, and to stabilize and re-vegetate disturbed areas as soon as possible after grading or construction. Particular attention must be paid to large mass graded sites where the potential for soil exposure to the erosive effects of rainfall and wind is great. Mass graded construction sites may be exposed for several years while a project is being built out. Thus, there is potential for significant sediment discharge from the site to surface waters.

At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season. These disturbed areas include rough graded roadways, slopes, and building pads. Until permanent vegetation is established, soil cover is the most cost-effective and expeditious method to protect soil particles from detachment and transport by rainfall. Temporary soil stabilization can be the single-most important factor in reducing erosion at construction sites. The discharger shall consider measures such as: covering with mulch, temporary seeding, soil stabilizers, binders, fiber rolls or blankets, temporary vegetation, permanent seeding, and a variety of other measures.

The SWPPP shall include a description of the erosion control practices, including a time schedule, to be implemented during construction to minimize erosion on disturbed areas of a construction site. The discharger must consider the full range of erosion control BMPs. The discharger must consider any additional site-specific and seasonal conditions when selecting and implementing appropriate BMPs. The above-listed erosion control measures are examples of what should be considered and are not exclusive of new or innovative approaches currently available or being developed.

a. The SWPPP shall include:

- (1) An outline of the areas of vegetative soil cover or native vegetation onsite, which will remain undisturbed during the construction project.
- (2) An outline of all areas of soil disturbance including cut or fill areas which will be stabilized during the rainy season by temporary or permanent erosion control measures, such as seeding, mulch, or blankets, etc.

- (3) An outline of the areas of soil disturbance, cut, or fill which will be left exposed during any part of the rainy season, representing areas of potential soil erosion where sediment control BMPs are required to be used during construction.
  - (4) A proposed schedule for the implementation of erosion control measures.
- b. The SWPPP shall include a description of the BMPs and control practices to be used for both temporary and permanent erosion control measures.
- c. The SWPPP shall include a description of the BMPs to reduce wind erosion at all times, with particular attention paid to stock-piled materials.

7. Stabilization

- a. All disturbed areas of the construction site must be stabilized. Final stabilization for the purposes of submitting a NOT is satisfied when
  - (1) All soil disturbing activities are completed AND EITHER OF THE TWO FOLLOWING CRITERIA ARE MET:
    - (a) A uniform vegetative cover with 70 percent coverage has been established OR:
    - (b) Equivalent stabilization measures have been employed. These measures include the use of such BMPs as blankets, reinforced channel liners, soil cement, fiber matrices, geotextiles, or other erosion resistant soil coverings or treatments.
- b. Where background native vegetation covers less than 100 percent of the surface, such as in arid areas, the 70 percent coverage criteria is adjusted as follows: If the native vegetation covers 50 percent of the ground surface, 70 percent of 50 percent ( $.70 \times .50 = .35$ ) would require 35 percent total uniform surface coverage.

8. Sediment Control

The SWPPP shall include a description or illustration of BMPs that will be implemented to prevent a net increase of sediment load in storm water discharge relative to pre-construction levels. Sediment control BMPs are required at appropriate

locations along the site perimeter and at all operational internal inlets to the storm drain system at all times during the rainy season. Sediment control practices may include filtration devices and barriers (such as fiber rolls, silt fence, straw bale barriers, and gravel inlet filters) and/or settling devices (such as sediment traps or basins). Effective filtration devices, barriers, and settling devices shall be selected, installed and maintained properly. A proposed schedule for deployment of sediment control BMPs shall be included in the SWPPP. These are the most basic measures to prevent sediment from leaving the project site and moving into receiving waters. Limited exemptions may be authorized by the EXECUTIVE OFFICER when work on active areas precludes the use of sediment control BMPs temporarily. Under these conditions, the SWPPP must describe a plan to establish perimeter controls prior to the onset of rain.

During the non-rainy season, the discharger is responsible for ensuring that adequate sediment control materials are available to control sediment discharges at the downgrade perimeter and operational inlets in the event of a predicted storm. The discharger shall consider a full range of sediment controls, in addition to the controls listed above, such as straw bale dikes, earth dikes, brush barriers, drainage swales, check dams, subsurface drain, sandbag dikes, fiber rolls, or other controls. At a minimum, the discharger/operator must implement an effective combination of erosion and sediment control on all disturbed areas during the rainy season.

If the discharger chooses to rely on sediment basins for treatment purposes, sediment basins shall, at a minimum, be designed and maintained as follows:

Option 1: Pursuant to local ordinance for sediment basin design and maintenance, provided that the design efficiency is as protective or more protective of water quality than Option 3.

OR

Option 2: Sediment basin(s), as measured from the bottom of the basin to the principal outlet, shall have at least a capacity equivalent to 3,600 cubic feet of storage per acre draining into the sediment basin. The length of the basin shall be more than twice the width of the basin. The length is determined by measuring the distance between the inlet and the outlet; and the depth must not be less than three feet nor greater than five feet for safety reasons and for maximum efficiency.



OR

Option 3: Sediment basin(s) shall be designed using the standard equation:

$$As=1.2Q/Vs$$

Where: As is the minimum surface area for trapping soil particles of a certain size; Vs is the settling velocity of the design particle size chosen; and  $Q=C \times I \times A$  where Q is the discharge rate measured in cubic feet per second; C is the runoff coefficient; I is the precipitation intensity for the 10-year, 6-hour rain event and A is the area draining into the sediment basin in acres. The design particle size shall be the smallest soil grain size determined by wet sieve analysis, or the fine silt sized (0.01mm) particle, and the Vs used shall be 100 percent of the calculated settling velocity.

The length is determined by measuring the distance between the inlet and the outlet; the length shall be more than twice the width; the depth shall not be less than three feet nor greater than five feet for safety reasons and for maximum efficiency (two feet of storage, two feet of capacity). The basin(s) shall be located on the site where it can be maintained on a year-round basis and shall be maintained on a schedule to retain the two feet of capacity;

OR

Option 4: The use of an equivalent surface area design or equation, provided that the design efficiency is as protective or more protective of water quality than Option 3.

A sediment basin shall have a means for dewatering within 7-calendar days following a storm event. Sediment basins may be fenced if safety (worker or public) is a concern.

The outflow from a sediment basin that discharges into a natural drainage shall be provided with outlet protection to prevent erosion and scour of the embankment and channel.

The discharger must consider any additional site-specific and seasonal conditions when selecting and designing sediment control BMPs. The above listed sediment control measures are examples of what should be considered and are not exclusive of new or innovative approaches currently available or being developed.

The SWPPP shall include a description of the BMPs to reduce the tracking of sediment onto public or private roads at all times. These public and private roads shall be inspected and cleaned as necessary. Road cleaning BMPs shall be discussed in the SWPPP and will not rely on the washing of accumulated sediment or silt into the storm drain system.

9. Non-Storm Water Management

Describe all non-storm water discharges to receiving waters that are proposed for the construction project. Non-storm water discharges should be eliminated or reduced to the extent feasible. Include the locations of such discharges and descriptions of all BMPs designed for the control of pollutants in such discharges. One time discharges shall be monitored during the time that such discharges are occurring. A qualified person should be assigned the responsibility for ensuring that no material other than storm water is discharged in quantities which will have an adverse effect on receiving waters or storm drain systems (consistent with BAT/BCT), and the name and contact number of that person should be included in the SWPPP document.

Discharging sediment-laden water which will cause or contribute to an exceedance of Basin Plan objectives from a dewatering site or sediment basin or any other part of the project site into any receiving water or storm drain without filtration or equivalent treatment is prohibited.

10. Maintenance, Inspection, and Repair

The SWPPP shall include a discussion of the program to inspect and maintain all BMPs as identified in the site plan or other narrative documents throughout the entire duration of the project. A qualified person shall be assigned the responsibility to conduct inspections. The name and telephone number of that person shall be listed in the SWPPP document. Inspections will be performed before and after storm events and once each 24-hour period during extended storm events to identify BMP effectiveness and implement repairs or design changes as soon as feasible depending upon field conditions. Equipment, materials, and workers must be available for rapid response to failures and emergencies. All corrective maintenance to BMPs shall be

performed as soon as possible after the conclusion of each storm depending upon worker safety.

For each inspection required above, the discharger shall complete an inspection checklist. At a minimum, an inspection checklist shall include:

- a. Inspection date.
- b. Weather information: best estimate of beginning of storm event, duration of event, time elapsed since last storm, and approximate amount of rainfall (inches).
- c. A description of any inadequate BMPs.
- d. If it is possible to safely access the site during inclement weather, list observations of all BMPs: erosion controls, sediment controls, chemical and waste controls, and non-storm water controls. Otherwise, list result of visual inspection at relevant outfall, discharge point, or downstream location and projected required maintenance activities.
- e. Corrective actions required, including any changes to SWPPP necessary and implementation dates.
- f. Inspectors name, title, and signature.

The dischargers shall prepare their inspection checklists using the inspection checklist form provided by the regional board or regional board or on forms that contain the equivalent information.

11. Training

Individuals responsible for SWPPP preparation, implementation, and permit compliance shall be appropriately trained, and the SWPPP shall document all training. This includes those personnel responsible for installation, inspection, maintenance, and repair of BMPs. Those responsible for overseeing, revising, and amending the SWPPP shall also document their training. Training should be both formal and informal, occur on an ongoing basis when it is appropriate and convenient, and should include training/workshops offered by the SWRCB, REGIONAL BOARD, or other locally recognized agencies or professional organizations.

12. List of Contractors/Subcontractors

The SWPPP shall include a list of names of all contractors, (or subcontractors) and individuals responsible for implementation of the SWPPP. This list should include telephone numbers and addresses. Specific areas of responsibility of each subcontractor and emergency contact numbers should also be included.

13. Other Plans

This SWPPP may incorporate by reference the appropriate elements of other plans required by local, State, or Federal agencies. A copy of any requirements incorporated by reference shall be kept at the construction site. The SWPPP may also incorporate the Monitoring and Reporting Program and the Post-construction Management Plan.

14. Public Access

The SWPPP shall be provided, upon request, to Regional Board staff. The SWPPP is considered a report that shall be available to the public under section 308(b) of the Clean Water Act.

15. Preparer Certification

The SWPPP and each amendment shall be signed by the discharger or his/her representative and include the date of initial preparation and the date of each amendment.

**SECTION B: MONITORING AND REPORTING PROGRAM**

The discharger shall develop and submit a Monitoring and Reporting Program for approval by the Executive Officer and submit a copy to the local agency. The approved Monitoring and Reporting Program shall be implemented concurrently with the commencement of construction activities. Any background monitoring and/or run-on monitoring proposed for the site shall be done prior to any earth disturbance.

Objectives of the Monitoring and Reporting Program:

1. To determine whether storm water discharges are in compliance with the Discharge Prohibitions and Receiving Water Limitations specified in this Order.
2. To determine the effectiveness of the SWPPP in controlling pollutant discharges in storm water runoff.

3. To quantify pollutant loads and to characterize the discharge.
4. To determine the integrity of pollution control structures and practices.

At a minimum, the Monitoring and Reporting Program shall include the following:

1. Run-on and/or Background Monitoring (this is at the discretion of the discharger)

Prior to any earth disturbance, the discharger shall identify representative sampling locations, proposed frequency of sample collection, and constituents to be monitored for run-on and/or background monitoring.

2. Discharge Monitoring

The discharger shall identify each discharge point, collect a sample from each location for at least three storm events per storm season (October 1 to May 31), and analyze each sample for total suspended solids, total inorganic nitrogen, total phosphorus, soluble reactive phosphorus, acute toxicity, fecal and total coliform, and pH. A discharger with multiple storm water discharge locations may group together similar discharge locations. The discharger must then justify in the monitoring program the selection criteria for representative sample locations.

All analyses shall be conducted at a State certified laboratory using USEPA and/or State Board approved methods.

3. Site Inspections

Qualified personnel shall conduct inspections of the construction site prior to anticipated storm events, during extended storm events, and after actual storm events to identify areas contributing to a discharge of storm water associated with construction activity. The name(s) and contact number(s) of the assigned inspection personnel shall be listed in the Monitoring and Reporting Program. Pre-storm inspections are to ensure that BMPs are properly installed and maintained; post-storm inspections are to determine whether the BMPs have functioned adequately. During extended storm events, inspections shall be required each 24-hour period. Best Management Practices (BMPs) shall be evaluated for adequacy and proper implementation. The need for additional BMPs are required in accordance with the terms of the Order (see language in Section A. 11. Maintenance, Inspection, and Repair) shall also be evaluated. Implementation

of non-storm water discharge BMPs shall be verified and their effectiveness evaluated.

4. Compliance Certification

Each discharger or qualified assigned personnel listed by name and contact number in the Monitoring and Reporting Program must certify annually that new developments are in compliance with the requirements of this Order and the SWPPP. This Certification shall be based upon the site inspections required in Item 2 of this Section, monitoring results and other relevant information. The certification must be completed by August 1 of each year.

5. Reporting

Dischargers who cannot certify compliance, in accordance with Item 4 of this Section, and/or who have had other instances of noncompliance including exceedances of water quality standards as defined in section II. 3., Receiving Water Limitations, shall notify the Executive Officer within 30 days (within 24 hours, by phone, if the discharge is likely to have an immediate adverse impact on public health or the environment). Corrective measures should be implemented immediately following discovery that water quality standards were exceeded. The notifications shall identify the noncompliance event, including an initial assessment of any impact caused by the event; describe the actions necessary to achieve compliance; and include a time schedule indicating when compliance will be achieved.

Each discharger shall submit an annual report by August 1 of each year for July 1 to June 30. The annual report shall include all inspection reports, all analytical data (the preceding consecutive 12 month period), any proposed revisions to the SWPPP, and a compliance certification.

6. Records Retention

Records of all inspections, sample collection records, analytical results, compliance certifications, and noncompliance reporting must be retained for a period of at least three years from the date generated.

**SECTION C. POST-CONSTRUCTION MANAGEMENT PLAN**

Objective: To eliminate and/or control the discharge of pollutants in storm water runoff from the site once the construction activities are complete and the site is fully stabilized.

**Requirements:**

The Post-construction Management Plan shall be included in the SWPPP. It shall include descriptions of the BMPs to reduce pollutants in storm water discharges after all construction phases have been completed at the site (Post-Construction BMPs). Post-Construction BMPs include the minimization of land disturbance, the minimization of impervious surfaces, treatment of storm water runoff using infiltration, detention/retention, biofilters, use of efficient irrigation systems, ensuring that interior drains are not connected to a storm sewer system, and appropriately designed and constructed energy dissipation devices. These must be consistent with all local post-construction storm water management requirements, policies, and guidelines. The discharger must consider site-specific and seasonal conditions when designing the control practices. Operation and maintenance of control practices after construction is completed shall be addressed, including short-and long-term funding sources and the responsible party.

The Post-construction Management Plan should also include public education programs for use of the pesticides, herbicides, fertilizers, proper disposal of wastes, and other storm water pollution prevention programs.

Post-construction monitoring shall be conducted for at least one year following project completion.

Under the Area-wide Urban Storm Water Runoff Permit issued to the County of Riverside and the incorporated cities within the County, the municipalities are responsible for all discharges from the storm water conveyance systems owned and/or operated by them.

**SECTION D: COMPLIANCE DETERMINATION**

Compliance determinations shall be based on self-monitoring programs and compliance inspections. If the self-monitoring program indicates that the water quality objectives are being violated at the monitoring location, upstream monitoring may be required to be undertaken prior to development. However, if compliance inspections and upstream monitoring indicate that the new developments are in full compliance with their permit requirements, the Regional Board may investigate other sources, including non-point sources.

**SECTION E: STANDARD PROVISIONS**

**1. DUTY TO COMPLY**

The discharger must comply with all of the conditions of this Order. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action and/or removal from Order coverage.

The discharger shall comply with effluent standards or prohibitions established under Section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement.

**2. REISSUANCE/MODIFICATIONS/RENEWAL**

This Order may be modified, revoked and reissued, or terminated for cause. If new information becomes available regarding the background concentrations of pollutants of concern, this Order may be reopened to address any new requirements. The filing of a request by the discharger for a Order modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not annul any Order condition.

If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the CWA for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this Order, this Order shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the dischargers so notified.

**3. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE**

It shall not be a defense for a discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order.

**4. DUTY TO MITIGATE**

The discharger shall take all responsible steps to minimize or prevent any discharge in violation of this Order, which has a reasonable likelihood of adversely affecting human health or the environment.

**5. PROPER OPERATION AND MAINTENANCE**



The discharger shall at all times properly operate and maintain any facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with the conditions of this Order and with the requirements of Storm Water Pollution Prevention Plans (SWPPP). Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance may require the operation of backup or auxiliary facilities or similar systems installed by a discharger when necessary to achieve compliance with the conditions of this Order.

**6. PROPERTY RIGHTS**

This Order does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor does it authorize any infringement of Federal, State, or local laws or regulations.

**7. DUTY TO PROVIDE INFORMATION**

The discharger shall furnish the REGIONAL BOARD, State Water Resources Control Board, or USEPA, within a reasonable time, any requested information to determine compliance with this Order. The discharger shall also furnish, upon request, copies of records required to be kept by this Order.

**8. INSPECTION AND ENTRY**

The discharger shall allow the Regional Board, SWRCB, USEPA, and/or, in the case of new developments which discharge through a municipal separate storm sewer, an authorized representative of the municipal operator of the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the discharger's premises at reasonable times where a regulated new development is being conducted or where records must be kept under the conditions of this Order;
- b. Access and copy at reasonable times any records that must be kept under the conditions of this Order;
- c. Inspect at reasonable times the complete construction site, including any off-site staging areas or material storage areas, and the erosion/sediment controls; and

- d. Sample or monitor at reasonable times for the purpose of ensuring Order compliance.

9. **SIGNATORY REQUIREMENTS**

- a. All Notice of Intentions (NOIs), Notice of Terminations (NOTs), SWPPPs, certifications, and reports prepared in accordance with this Order submitted to the Regional Board shall be signed as follows:

- (1) For a corporation: by a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means: (a) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or (b) the manager of the new development if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
- (2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
- (3) For a municipality, State, Federal, or other public agency: by either a principal executive officer, ranking elected official, or duly authorized representative. The principal executive officer of a Federal agency includes the chief executive officer of the agency or the senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of USEPA).

- b. All SWPPPs, reports, certifications, or other information required by the Order and/or requested by the Regional Board, SWRCB, USEPA, or the local storm water management agency shall be signed by a person described above or by a duly authorized representative. A person is a duly authorized representative if:

- (1) The authorization is made in writing by a person described above and retained as part of the SWPPP; or
- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the construction activity, such as the position of manager, operator, superintendent, or

position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position).

- c. If an authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the construction activity, a new authorization must be attached to the SWPPP prior to submittal of any reports, information, or certifications to be signed by the authorized representative.

**10. CERTIFICATION**

Any person signing documents under Section C, Provision 9 above, shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, to the best of my knowledge and belief, the information submitted is, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**11. ANTICIPATED NONCOMPLIANCE**

The discharger will give advance notice to the Regional Board and local storm water management agency of any planned changes in the new development which may result in noncompliance with Order requirements.

**12. PENALTIES FOR FALSIFICATION OF REPORTS**

Section 309(c)(4) of the CWA provides that any person who knowingly makes any false material statement, representation, or certification in any record or other document submitted or required to be maintained under this Order, including reports of compliance or noncompliance shall upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years or by both.

**13. OIL AND HAZARDOUS SUBSTANCE LIABILITY**

Nothing in this Order shall be construed to preclude the institution of any legal action or relieve the discharger from any responsibilities, liabilities, or penalties to which the discharger is or may be subject to under Section 311 of the CWA.

**14. SEVERABILITY**

The provisions of this Order are severable; and, if any provision of this Order or the application of any provision of this Order to any circumstance is held invalid, the application of such provision to other circumstances and the remainder of this Order shall not be affected thereby.

**15. REOPENER CLAUSE**

This Order may be modified, revoked and reissued, or terminated for cause due to promulgation of amended regulations, receipt of USEPA guidance concerning regulated activities, judicial decision, or in accordance with 40 Code of Federal Regulations (CFR) 122.62, 122.63, 122.64, and 124.5.

**16. PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS**

- a. Section 309 of the CWA provides significant penalties for any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the CWA or any permit condition or limitation implementing any such section in a permit issued under Section 402. Any person who violates any permit condition of this Order is subject to a civil penalty not to exceed \$27,500 per calendar day of such violation, as well as any other appropriate sanction provided by Section 309 of the CWA.
- b. The Porter-Cologne Water Quality Control Act also provides for civil and criminal penalties which in some cases are greater than those under the CWA.

**17. AVAILABILITY**

A copy of this Order shall be maintained at the construction site during new development and be available to operating personnel.

**18. TRANSFERS**

This Order is not transferable. A new owner of an ongoing new development must submit a NOI in accordance with the requirements

of this Order to be authorized to discharge under this Order. An owner who sells property covered by this Order shall inform the new owner of the duty to file a NOI and shall provide the new owner with a copy of this Order.

**19. CONTINUATION OF EXPIRED PERMIT**

This Order continues in force and effect until a new Order is issued or the Regional Board rescinds this Order. Only those dischargers authorized to discharge under the expiring Order are covered by the continued Order.

NOTICE OF INTENT (NOI) TO COMPLY WITH THE TERMS  
OF THE ORDER TO DISCHARGE STORM WATER  
ASSOCIATED WITH NEW DEVELOPMENTS IN SAN JACINTO WATERSHED

GENERAL INSTRUCTIONS

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Who Must Submit

Discharges of storm water associated with new developments that results in the disturbance of five or more acres of land must apply for coverage under the San Jacinto Watershed-wide Storm Water Permit (Order). New developments that are a part of a larger common area of development or sale must also be permitted. (For example, if 0.5 acres of a 20-acre subdivision is disturbed by new developments, and the remaining 19.5 acres is to be developed at a future date, the property owner must obtain a General Storm Water Permit for the 0.5 acre project). New developments include, but are not limited to: clearing, grading, demolition, excavation, construction of new structures, and reconstruction of existing facilities involving removal and replacement that results in soil disturbance. This includes construction access roads, staging areas, storage areas, stockpiles, and any off-site areas which receive run-off from the construction project such as discharge points into a receiving water. New developments do not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of the facility.

The owner of the land where the new development is occurring is responsible for obtaining a permit. Owners or other responsible entities (see definition of discharger in the Fact Sheet) may obtain coverage under the Order by filing a NOI in accordance with the following instructions. Coverage for new developments conducted on easements (e.g., pipeline construction) or on nearby properties by agreement or permission, or by an owner or lessee of a mineral estate (oil, gas, geothermal, aggregate, precious metals, and/or industrial minerals) entitled to conduct the activities, shall be obtained by the entity responsible for the construction activity.

New Developments Not Covered By This Order

Storm water discharges on Indian Lands will be regulated by the U.S. Environmental Protection Agency.

Where to Apply

The NOI form, vicinity map, and appropriate fee must be mailed to the Regional Board office at:

Regional Water Quality Control Board  
Attn: Storm Water Section  
3737 Main Street, Suite 500  
Riverside, CA 92501-3348

When to Apply

Dischargers proposing to conduct new developments subject to this Order must file a Notice of Intent, SWPPP, Monitoring and Reporting Program and Post-construction Management Plan prior to the commencement of construction activity.

Fees

The annual fee is \$250. Checks should be made payable to State Water Resources Control Board.

Completing the Notice of Intent (NOI)

The submittal to obtain coverage under the Order must include a completed NOI Form (Notice of Intent, attached), a vicinity map, the appropriate annual fee, Monitoring and Reporting Program and Post-construction Management Plan. The NOI must be completely and accurately filled out; the vicinity map and annual fee and other documents must be included with the NOI or the submittal is considered incomplete and will be rejected. A construction site is considered to be covered by the Order upon filing a complete NOI, and implementation of a Storm Water Pollution Prevention Plan (SWPPP) approved by the Executive Officer. Upon receipt of a complete NOI submittal, each discharger will be sent a receipt letter containing the waste discharger's identification (WDID) number.

Questions?

If you have any questions on completing the NOI please call the Regional Board office at 909-782-4130.

NOI-LINE-BY-LINE INSTRUCTIONS

Please type or print when completing the NOI Form and vicinity map.

SECTION I--NOI STATUS

Mark one of the two boxes at the top portion of the NOI. Check box 1 if the NOI is being completed for new development. Check box 2 if the NOI is being submitted to report changes for a construction site already covered by the Order. An example of a change that warrants a resubmittal of the NOI is a change of total area of the construction site. The permit is non-transferable, a change of ownership requires a Notice of Termination (NOT) submittal and a new NOI. Complete only those portions of the NOI that apply to the changes (the NOI must always be signed). If box 2 is checked, the WDID number must be included.

SECTION II--PROPERTY OWNER

Enter the construction site owner's official or legal name and address; contact person (if other than owner), title, and telephone number.

SECTION III--DEVELOPER / CONTRACTOR INFORMATION

Enter the name of the developer's (or general contractor's) official or legal name, address, contact person, title, and telephone number. The contact person should be someone who is familiar with the construction site and is responsible for compliance and oversight of the Order.

SECTION IV--NEW DEVELOPMENT INFORMATION

Enter the project name, site address, county, city, (or nearest city, if construction is occurring in an unincorporated area), zip code, and telephone number (if any) of the construction site. Include an emergency contact telephone or pager number. Construction site information should include latitude and longitude designations, tract numbers, and/or mile post markers, if applicable. The site contact person should be someone who is familiar with the project, site plans, SWPPP, and monitoring program. All NOIs must be accompanied by a vicinity map.

Part A: Enter the total size in acres of all areas associated with construction activity, including all access roads.



- Part B: Enter the total size in acres of the area to be disturbed by new development and the percentage of the area listed in Part A above that this represents.
- Part C: Enter the percentage of the site that is impervious (areas where water cannot soak into the ground, such as concrete, asphalt, rooftops, etc.) before and after construction.
- Part D: Include tract numbers, if available.
- Part E: Enter the mile post marker number at the project site location.
- Part F: Indicate whether the construction site is part of a larger common plan of development or sale. For example, if the new development is occurring on a two-acre site which is within a development that is five acres or greater, answer yes.
- Part G: Enter the name of the development (e.g. "Quail Ridge Subdivision", "Orange Valley Estates", etc.).
- Part H: Indicate when construction will begin (month, day, year). When a NOI is being submitted due to a change in ownership, the commencement date should be the date the new ownership took effect.
- Part I: Indicate the percentage of the total project area to be mass graded.
- Part J: Enter the estimated completion dates for the mass grading activities and for the project completion.
- Part K: Indicate the type(s) of construction taking place. For example, "Transportation" should be checked for the construction of roads; "Utility" should be checked for installation of sewer, electric, or telephone systems. Include a description of the major new developments, (e.g., 20 single family homes, a supermarket, an office building, a factory, etc.)

SECTION V--BILLING ADDRESS

To continue coverage under the Order, the annual fee must be paid. Indicate where the annual fee invoice should be mailed by checking one of the following boxes:

Owner: sent to the owners address as it appears in Section II.  
Developer/Contractor: sent to the developer's address as it appears in Section III.

Other: sent to a different address and enter that address in the spaces provided.

#### SECTION VI--REGULATORY STATUS

Indicate whether or not the site is subject to local erosion/sediment control ordinances. Indicate whether the erosion/sediment control plan designed to comply with the ordinance addresses the construction of infrastructure and structures in addition to grading. Identify the name and telephone number of the local agency, if applicable.

#### SECTION VII--RECEIVING WATER INFORMATION

Part A: Indicate whether the storm water runoff from the construction site discharges indirectly to waters of the United States, directly to waters of the United States, or to a separate storm drain system.

Indirect discharges include discharges that may flow overland across adjacent properties or rights-of-way prior to discharging into waters of the United States.

Enter the name of the owner/operator of the relevant storm drain system, if applicable. Storm water discharges directly to waters of the United States will typically have an outfall structure directly from the facility to a river, lake, creek, stream, bay, ocean, etc. Discharges to separate storm sewer systems are those that discharge to a collection system operated by municipalities, flood control districts, utilities, or similar entities.

Part B: Enter the name of the receiving water. Regardless of point of discharge, the owner must determine the receiving water for the construction site's storm water discharge.

#### SECTION VIII--IMPLEMENTATION OF NPDES PERMIT REQUIREMENTS

Part A: Indicate if the SWPPP, Monitoring and Reporting Program and the Post-construction Management Plans are submitted with the NOI.

Part B: Provide the name and phone numbers of the responsible party or parties designated to insure compliance with all elements of the Order.

#### SECTION IX--VICINITY MAP AND FEE

Provide a "to scale" or "to approximate scale" drawing of the construction site and the immediate surrounding area. Whenever

possible, limit the map to an 8.5" x 11" or 11" x 17" sheet of paper. At a minimum, the map must show the site perimeter, the geographic features surrounding the site, and general topography, and a north arrow. The map must also include the location of the construction project in relation to named streets, roads, intersections, or landmarks. A NOI containing a map which does not clearly indicate the location of the construction project will be rejected. Do not submit blueprints unless they meet the above referenced size limits.

**SECTION X--CERTIFICATIONS**

This section must be completed by the owner or signatory agent of the construction site\*. The certification provides assurances that the NOI and vicinity map were completed in an accurate and complete fashion and with the knowledge that penalties exist for providing false information. Certification also requires the owner to comply with the provisions in the Order.

\* For a corporation: a responsible corporate officer (or authorized individual). For a partnership or sole proprietorship: a general partner or the proprietor, respectively. For a municipality, State, Federal, or other public agency: either a principal executive officer, ranking elected official, or duly authorized representative.



State Water Resources Control Board

**NOTICE OF INTENT**

TO COMPLY WITH THE TERMS OF ORDER NO. 01-34  
SAN JACINTO WATERSHED-WIDE STORM WATER RUNOFF  
ASSOCIATED WITH NEW DEVELOPMENTS (NPDES NO. CAG 618005)

**I. NOI STATUS (SEE INSTRUCTIONS)**

MARK ONLY ONE ITEM    1. ☐ New Construction    2. ☐ Change of Information for WDID#

**II. PROPERTY OWNER**

Name	Contact Person		
Mailing Address	Title		
City	State	Zip	Phone (     )     --

**III. DEVELOPER/CONTRACTOR/DISCHARGER INFORMATION**

Developer/Contractor	Contact Person		
Mailing Address	Title		
City	State	Zip	Phone (     )     --

**IV. SITE INFORMATION**

Site/Project Name		Site Contact Person	
Physical Address/Location		Latitude _____°	Longitude _____°
City (or nearest City)		Zip	County
		Site Phone Number (     )     --	Emergency Phone Number (     )     --
A. Total size of construction site area: _____ Acres	C. Percent of site imperviousness (including rooftops): Before Construction: _____% After Construction: _____%		D. Tract Number(s): _____, _____
B. Total area to be disturbed: _____ Acres (% of total _____)			E. Mile Post Marker: _____
F. Is the construction site part of a larger common plan of development or sale? <input type="checkbox"/> YES <input type="checkbox"/> NO		G. Name of plan or development:	
H. Construction commencement date: ____/____/____		J. Projected construction dates: Complete grading: ____/____/____    Complete project: ____/____/____	
I. % of site to be mass graded: _____			
K. Type of Construction (Check all that apply): 1. <input type="checkbox"/> Residential    2. <input type="checkbox"/> Commercial    3. <input type="checkbox"/> Industrial    4. <input type="checkbox"/> Reconstruction    5. <input type="checkbox"/> Transportation 6. <input type="checkbox"/> Utility    Description: _____    7. <input type="checkbox"/> Other (Please List): _____			

**V. BILLING INFORMATION**

SEND BILL TO: <input type="checkbox"/> OWNER (as in II. Above)	Name	Contact Person
<input type="checkbox"/> DEVELOPER (as in III. Above)	Mailing Address	Phone/Fax
<input type="checkbox"/> OTHER (enter information at right)	City	State    Zip

## VI. REGULATORY STATUS

A. Has a local agency approved a required erosion/sediment control plan?.....	<input type="checkbox"/> YES <input type="checkbox"/> NO
Does the erosion/sediment control plan address construction activities such as infrastructure and structures?.....	<input type="checkbox"/> YES <input type="checkbox"/> NO
Name of local agency: _____ Phone: (     )     --	
B. Is this project or any part thereof, subject to conditions imposed under a CWA Section 404 permit of 401 Water Quality Certification?.....	<input type="checkbox"/> YES <input type="checkbox"/> NO
If yes, provide details: _____	

## VII. RECEIVING WATER INFORMATION

A. Does the storm water runoff from the construction site discharge to (Check all that apply):	
1. <input type="checkbox"/> Indirectly to waters of the U.S.	
2. <input type="checkbox"/> Storm drain system - Enter owner's name: _____	
3. <input type="checkbox"/> Directly to waters of U.S. (e.g. , river, lake, creek, stream, bay, ocean, etc.)	
B. Name of receiving water: (river, lake, creek, stream, bay, ocean): _____	

## VIII. OTHER DOCUMENTS

A. STORM WATER POLLUTION PREVENTION PLAN (SWPPP) (check one)	
<input type="checkbox"/> A SWPPP has been prepared and is submitted with this NOI Date SWPPP Amended: ____/____/____	
B. MONITORING AND REPORTING PROGRAM	
<input type="checkbox"/> A Monitoring and Reporting Program is submitted with this NOI	
C. POST-CONSTRUCTION MANAGEMENT PLAN	
<input type="checkbox"/> A Post-Construction Management Plan is submitted with this NOI	
D. PERMIT COMPLIANCE RESPONSIBILITY	
A qualified person has been assigned responsibility to ensure full compliance with the Permit, and to implement all elements of the Storm Water Pollution Prevention Plan including:	
1. Preparing Annual Report and compliance evaluation.....	<input type="checkbox"/> YES <input type="checkbox"/> NO
Name: _____ Phone: (     )     --	
2. Eliminating all unauthorized discharges.....	<input type="checkbox"/> YES <input type="checkbox"/> NO

## IX. VICINITY MAP AND FEE (must show site location in relation to nearest named streets, intersections, etc.)

Have you included a vicinity map with this submittal? .....	<input type="checkbox"/> YES <input type="checkbox"/> NO
Have you included payment of the annual fee with this submittal?.....	<input type="checkbox"/> YES <input type="checkbox"/> NO

## X. CERTIFICATIONS

"I certify under penalty of law that this document and all attachments were prepared under my direction and supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment. In addition, I certify that the provisions of the permit, including the development and implementation of a Storm Water Pollution Prevention Plan and a Monitoring Program Plan will be complied with."	
Printed Name: _____	
Signature: _____	Date: _____
Title: _____	

**NEW OWNER INFORMATION AND  
CHANGE OF INFORMATION (COI) FORM FOR THE  
GENERAL CONSTRUCTION PERMIT NO. CAG618005**

Owners Name: \_\_\_\_\_

Date: \_\_\_\_\_

WDID No.: \_\_\_\_\_

Date of Last NOI Change: \_\_\_\_\_

Prepared By: \_\_\_\_\_

Signature of Preparer: \_\_\_\_\_

	Area Transferred (acres) <sup>1</sup>  column 1	Area Remaining (acres) <sup>2</sup>  column 2	Lot/Tract Numbers Transferred	Contact Person and Company Name of NewOwner(s)	Address(es) of the New Owner(s)	Phone # of New Owner	Is Const/Post Construction Complete? Yes/No	Date of Ownership Transfer
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								

<sup>1</sup>Use approximate area (in acres) if no exact figure is available.

<sup>2</sup>Calculate running total in this column as follows:

Enter in column 2, line 1, the area from NOI minus the area in column 1.

Enter in column 2, line 2, the area in column 2, line 1, minus the area in line 2, column 1.

Enter in column 2, line 3, the area in column 2, line 2, minus the area in line 3, column 1, and so forth.





# California Regional Water Quality Control Board

## Santa Ana Region



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

Internet Address: <http://www.swrcb.ca.gov/rwqcb8>  
3737 Main Street, Suite 500,  
Riverside, California 92501-3348  
Phone (909) 782-4130 - FAX (909) 781-6288

**Gray Davis**  
Governor

December 14, 2000

TO: The Attached Mailing List

### **RESPONSE TO COMMENTS AND REVISIONS TO THE SAN JACINTO WATERSHED PERMIT, TENTATIVE ORDER NO. 01-34**

Based on the comments received at the workshop on December 7, 2000, the following changes were made to the San Jacinto Permit:

- Rectified the inconsistencies between the Fact Sheet and the permit regarding the number of sampling events (three per wet season).
- Included a requirement for submission of the SWPPP and the Monitoring Program to the local agencies.
- Included a provision to clarify the length of time for post-construction monitoring (at least for 1 year after completion of construction activities).

Please note that this item is tentatively scheduled for consideration by the Board at the January 19, 2001 Board meeting.

If you have any questions, please contact Michelle Beckwith at (909) 782-4433 or [mbeckwit@rb8.swrcb.ca.gov](mailto:mbeckwit@rb8.swrcb.ca.gov).

Sincerely,

Michael J. Adackapara  
Supervising Engineer

Enclosure      Mailing List  
Tentative Order 01-34, Fourth Draft  
Fact Sheet

*California Environmental Protection Agency*



Recycled Paper



## **MAILING LIST**

U.S. Environmental Protection Agency, Permits Issuance Section - Terry Oda/Eugene Bromley/ Steve Fuller (WTR-5) (e-mail)  
U.S. Army District, Los Angeles, Corps of Engineers - Regulatory Branch  
U.S. Fish and Wildlife Service - Carlsbad  
State Water Resources Control Board, Office of the Chief Counsel - Ted Cobb (e-mail)  
State Water Resources Control Board, Division of Water Quality – Bruce Fujimoto/James Kassel (e-mail)  
State Department of Water Resources - Glendale  
State Department of Fish and Game - Long Beach  
State Department of Health Services – Santa Ana  
State Department of Toxic Substance Control – Cypress  
State Department of Health Services – San Bernardino  
Cal-EPA, Inland Empire Permit Assistance Center – Tom Cota (e-mail)  
Orange County Public Facilities and Resources Department, Environmental Resources – Chris Crompton  
Riverside County Flood Control and Water Conservation District, Storm Water/Clean Water Program – David Zappe/ Mark Wills (e-mail)  
San Bernardino County Transportation and Flood Control Department, Storm Water Program – Naresh Varma  
Storm Water Quality Task Force – Melinda Marks  
City of Lake Elsinore – Richard Watenpaugh/Ray O'Donnell/ Ken Seumalo/ Pat Kilroy  
City of Canyon Lake – Dilbert Powers/John Freiman (e-mail)  
Elsinore Valley Municipal Water District – James Laughlin  
Eastern Municipal Water District – John Brudin  
Santa Ana Watershed Project Authority – Joe Grindstaff  
Lake Elsinore Joint Powers Authority – Richard Watenpaugh/Ben Wicke  
Riverside County Farm Bureau – Robert Perkins  
Milk Producer's Council – Bob Feenstra  
City of Perris – Ron Molendyk/Olivia Gutierrez/Michael Morales  
City of San Jacinto – Michael Hanavan/Tim Hults  
City of Moreno Valley – Gene Rogers/Kent Wegelin  
City of Hemet – Richard Ramirez/Juan Perez/Linda Nixon  
March Joint Powers Authority – Chris Buydos  
Best, Best & Krieger – Anne Thomas/Theresa Antonucci (e-mail)  
Ultrasystem- Doug Stroup (e-mail)  
La Laguna Development – George Dale (e-mail)  
Lusk Development – Bill Brasher  
Regional Water Quality Control Board – Executive Officers (Regions 1, 2, 3, 4, 5, 6, 7, & 9) (e-mail)  
California Coastal Commission, Long Beach – Stephen Rynas  
Building Industry Association – Borre Winckel/Bill Blankenship/David Smith (e-mail)  
Watson and Associates – Richard Watson (e-mail)  
Hewitt & McGuire – Dennis O'Neil (e-mail)  
PCR Services – Eric Stein/Julie Fontaine/Mike Klinefelter (e-mail)  
PBS & J – Brian Jenson/Devon Muto/Roland Wass (e-mail)  
Riverside County Executive Office – Larry Parrish/John Johnson (e-mail)  
Welsh Development Company – Jim Welsh (e-mail)  
W. R. Lind, Inc. – Wes Lind



Centex Homes – Mike Aller (e-mail)  
Riverside County Transportation Commission/Bechtel – Brian Cundelan/Hideo Sugita (e-mail)  
Environmental Solutions, Inc. – Mark Sudol (e-mail)  
Lockman & Associates – Chuck Lockman (e-mail)  
Orange County Coastkeeper – Garry Brown (e-mail)  
Lawyers for Clean Water  
G. Fred Lee and Associates – G. Fred Lee (e-mail)  
San Jacinto Basin Resource Conservation District – Patrick Haley  
K & A Engineering – Amir Falahi (e-mail)  
Eastbridge Partners – Ed Fitzpatrick (e-mail)  
RCTD – Neil Nilchian  
CALTRANS – Paul Lambert/Alan Nakamo (e-mail)  
Jackson, DeMarco, & Peckenpaugh – Michele Staples/C. Sawyer Jones (e-mail)  
Western States Petroleum Association – Ron Wilken (e-mail)  
Eastern Municipal Water District – Roger Turner/Joe Lewis (e-mail)  
The Californian – Matt Blackston (e-mail)  
Ken Edwards (e-mail)  
Gary Grimm (e-mail)  
Environmental & Regulatory Specialists, Inc – David Tanner (e-mail)  
Metropolitan Water District of Southern California – Joyce Clark (e-mail)  
U.S. Army Corp of Engineers – Robert Smith (e-mail)





Winston H. Hickox  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board Santa Ana Region



Gray Davis  
Governor

Internet Address: [http:// www.swrcb.ca.gov/rwqcb8](http://www.swrcb.ca.gov/rwqcb8)  
3737 Main Street, Suite 500,  
Riverside, California 92501-3348  
Phone (909) 782-4130 - FAX (909) 781-6288

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To: STORM WATER DISCHARGERS, NEW DEVELOPMENTS IN THE SAN JACINTO  
WATERSHED

SUBJECT: CHECKLIST FOR SUBMITTING A NOTICE OF INTENT

In order for the Regional Water Quality Control Board, Santa Ana Region, to process your Notice of Intent (NOI) expeditiously, the following items must be submitted:

1. \_\_\_\_\_ NOI with all applicable sections filled out and signed by the discharger (a copy of the NOI is attached to the permit in this package);
2. \_\_\_\_\_ Check made out to the "State Water Resources Control Board" for \$250.00;
3. \_\_\_\_\_ An 8½"x11" site map (**DO NOT SEND BLUEPRINTS**) displaying the layout of premises (see NOI instructions); and
4. \_\_\_\_\_ Storm Water Pollution Prevention Plan, Monitoring and Reporting Program and Post-construction Management Program (coverage under the permit is not effective until the Storm Water Pollution Plan, Monitoring and Reporting Program, and Post-construction Management Program are approved.)

Please submit the above items to the address on this letterhead. If you have any questions regarding this matter, please contact us at (909) 782-4130.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SANTA ANA REGION

FACT SHEET

FOR

ORDER NO. 01-34, NPDES NO. CAG 618005

WATERSHED-WIDE WASTE DISCHARGE REQUIREMENTS FOR  
STORM WATER DISCHARGES ASSOCIATED WITH NEW DEVELOPMENTS  
IN THE SAN JACINTO WATERSHED

**I. BACKGROUND**

**A. REGULATORY BACKGROUND: NPDES PERMITS FOR STORM WATER DISCHARGES**

In 1972, the Federal Water Pollution Control Act (also referred to as the Clean Water Act [CWA]) was amended to provide that the discharge of pollutants to waters of the United States<sup>1</sup> from any point source<sup>2</sup> is unlawful unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The 1987 amendments to the CWA added Section 402(p), which establishes a framework for regulating municipal and industrial (including construction sites) storm water<sup>3</sup> discharges under the NPDES Program. On November 16, 1990, the U.S. Environmental Protection Agency (USEPA) published final regulations that establish storm water permit application requirements for specified categories of industries. The final rule for Phase II of storm water discharges was published by USEPA on December 8, 1999. The regulations provide that discharges of storm water to waters of the United States from construction projects that encompass one or more acres of soil disturbance are effectively prohibited unless the discharges are in compliance with an NPDES Permit.

A number of permitting options are available for regulating storm water discharges from construction sites. The State Water Resources Control Board (State Board) issued a Statewide General Permit for Storm Water Discharges Associated with Construction Activity (General Permit). The Lahontan Regional Water Quality Control Board adopted a separate NPDES permit for the Lake Tahoe Hydrologic Unit, and the State Board adopted a separate NPDES permit for Caltrans projects. Currently, all construction projects within this Regional Board's jurisdiction are regulated under the General Permit. However, as discussed below, it is necessary to issue a watershed-wide storm water permit for new developments<sup>4</sup> for the San Jacinto watershed<sup>5</sup>. The applicability of this Order to ongoing construction activities in the area will be determined on a case-by-case basis.

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Please see definitions at the end of the Fact Sheet

**B. NEED FOR STORM WATER PERMIT FOR NEW DEVELOPMENTS IN SAN JACINTO WATERSHED**

The CWA requires the states to adopt water quality standards (water quality standards include designated beneficial uses<sup>6</sup> and narrative and numeric water quality objectives designed to protect the designated beneficial uses).

The CWA also requires all states to conduct water quality assessments of their water resources to identify waterbodies that do not meet water quality standards. The waterbodies that do not meet water quality standards are placed on a list of impaired waters pursuant to the requirements of Section 303(d) of the CWA. The Regional Board placed Lake Elsinore and Canyon Lake on the 303(d) list of impaired waters in 1994. Lake Elsinore and Canyon Lake are the terminal points for the San Jacinto watershed. The designated beneficial uses of these Lakes include:

Lake Elsinore:

- a. Water contact recreation,
- b. Non-contact water recreation,
- c. Warm freshwater habitat, and
- d. Wildlife habitat.

Canyon Lake:

- a. Water contact recreation,
- b. Non-contact water recreation,
- c. Warm freshwater habitat,
- d. Wildlife habitat,
- e. Municipal and domestic supply,
- f. Agricultural supply, and
- g. Groundwater recharge.

Water quality problems adversely affecting these uses and their causes are listed below for these Lakes.

<b><u>WATERBODY</u></b>	<b><u>WATER QUALITY PROBLEM</u></b>	<b><u>CAUSES</u></b>	<b><u>NOTES</u></b>
LAKE ELSINORE	EXCESSIVE ALGAE GROWTH; OXYGEN DEPLETION; FISH KILL	SEDIMENT; NUTRIENTS <sup>a</sup> ; TOXICITY	Specific causes of toxicity not known
CANYON LAKE	IMPACTS TO WATER-CONTACT RECREATION; EXCESSIVE ALGAE GROWTH; IMPACTS TO MUNICIPAL SUPPLY; FISH KILL; REDUCED STORAGE CAPACITY	PATHOGENIC ORGANISMS; NUTRIENTS <sup>a</sup>	Sediment/ toxicity problems reported recently

<sup>a</sup> Nutrients: Nitrogen and Phosphorus compounds

**STORM WATER PERMIT FOR THE SAN JACINTO WATERSHED**

The Basin Plan objectives for constituents of concern and the current status of water quality in the Lakes are listed below:

<u>CONSTITUENT</u>	<u>LAKE ELSINORE</u>		<u>CANYON LAKE</u>	
	<u>OBJECTIVE</u>	<u>OBSERVED<sup>b</sup></u>	<u>OBJECTIVE</u>	<u>OBSERVED<sup>b</sup></u>
Total inorganic nitrogen	1.5 mg/l	15 mg/l	8 mg/l	10 mg/l
Toxic substances	No toxics in toxic amounts	Acute and chronic toxicity	No toxics in toxic amounts	Some toxicity noted recently
Sediment	No excessive sedimentation	Storm drain inlets blocked with sediment	No excessive sedimentation	Siltation in East Bay noted recently
Dissolved oxygen	5 mg/l	1 to 10 mg/l	5 mg/l	1 to 10 mg/l
Algae	No excessive algae growth	Excessive algae growth	No excessive algae growth	Excessive algae growth
Suspended and settleable solids	Not to cause nuisance or adversely affect beneficial uses	No problems noted, except for blocked storm drains	Not to cause nuisance or adversely affect beneficial uses	Increase in lake bottom height
Coliform bacteria	Fecal coliform 200/100 ml	No problems noted	Total coliform 100/100 ml	100-20000/100 ml

Federal regulations require that a TMDL be established for each 303(d) listed waterbody for each of the pollutants causing impairment. The TMDL is the total amount of the problem pollutant that can be discharged while water quality standards in the receiving water are attained, i.e., water quality objectives are met and the beneficial uses are protected. A TMDL is the sum of the individual wasteload allocations (WLA) for point source inputs, load allocations (LA) for non-point source<sup>7</sup> inputs and natural background, with a margin of safety. The WLAs are the basis for limitations established in waste discharge requirements issued to point source discharges. The Regional Board prioritized its TMDL process for the 303(d) listed waterbodies within the Region. The TMDLs for Lake Elsinore and Canyon Lake are scheduled to be established by 2004. In the absence of WLAs, waste discharge requirements must be established using best professional judgment based on existing information and must include

<sup>b</sup> Highest observed or range of observed values

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measures/limitations necessary to ensure that discharges do not contribute to the water quality problems in impaired waters. Except for purchased Colorado River water discharges to Canyon Lake by Elsinore Valley Municipal Water District (3 times during the last 10 years), most of the discharge to these two Lakes comes from storm water flows from the San Jacinto watershed. In addition, there are some nuisance flows during dry weather and at other times into these Lakes. Occasionally (3 times during the last 10 years), Canyon Lake flows into the San Jacinto River, which discharges to Lake Elsinore. Under heavy and chronic storm conditions, Lake Elsinore overflows to Temescal Wash (2 times during the last 10 years). Except for these rare overflows, both of these Lakes are essentially closed systems.

The storm water discharges and non-storm water discharges are substantial contributors to water quality impairment in the Lakes. Any runoff from new developments, if not properly managed and regulated, could further exacerbate this problem both during and after construction. The major pollutants of concern during the construction phase include: sediments, oils, grease, paints, gasoline, adhesives, concrete truck washdown, raw materials used in the manufacture of concrete and other construction materials, solvents, litter, debris, and sanitary wastes. The pollutants of concern after construction is complete include: nutrients from lawn fertilizers, pesticides and herbicides, bacteria from pet and human wastes, metals and other toxic substances from street and highway runoff (from tires, brake pads, etc.), oils, grease, petroleum products, antifreeze from automobiles, phosphates from phosphate-based detergents and fertilizers, litter, debris, sanitary wastes, and other wastes from illegal dumping. Generally, sediment discharges should decrease once the area is fully developed and stabilized. However, storm water flow is expected to increase due to an increase in the impervious surface area.

A number of developments are proposed in the Lake Elsinore, Canyon Lake and other tributary areas. The following table shows the current land uses and the proposed acreage for new developments:

LAND USE	ACRES	PERCENTAGE OF TOTAL
Vacant (largely grassland)	304,194	66
Agricultural (Confined animal facilities and crop land)	83,157	18
Residential	41,521	9
Military	5,745	1
Transportation & Utilities	4,867	1
Water & Flood Plain	3,688	1
Open Space & Preserve	2,954	1
Commercial	2,256	0.5
Proposed New Developments	1,325	0.2 (vacant land)
Proposed New Developments	489	0.09 (open space)

The proposed developments are only a small fraction of the total land area within the watershed. However, the developments could cause

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significant changes in the quality of runoff from the site and thereby contribute to the existing impairment of the lakes. For example, there is almost a 200 fold increase in the amount of sediment from an active construction site compared to grassland. If proper control measures, pursuant to a SWPPP, are implemented at the construction site, most of the sediment discharges should be controlled. Post-construction discharges from the developments are likely to include pollutants now causing water quality standards impairment in Lake Elsinore and Canyon Lake. Unless properly regulated, such discharges would contribute to the impairment. Discharges of sediment or other pollutants from the developments must not cause or contribute to a violation of water quality standards for the receiving waters.

The State Board's General Permit is currently used in most parts of the State to regulate storm water discharges from construction sites. The General Permit relies on the development and implementation of storm water pollution prevention plans (SWPPP) and Best Management Practices (BMPs) to assure that the water quality standards (beneficial uses and water quality objectives) of affected receiving waters are protected. Several environmental organizations filed suit against the State Board, arguing that the SWPPP/BMP provisions of the General Permit do not comply with the Clean Water Act mandate for effluent limitations that prevent violations of water quality standards. In a July 27, 2000 preliminary ruling, the Sacramento Superior Court rejected this argument and held that BMPs qualify as water-quality based effluent limitations that satisfy the Clean Water Act mandate, even for waters listed as impaired under Section 303(d) of the Act. However, the Court found that the State Board needs to include provisions in the General Permit that require more specific monitoring designed to determine the effectiveness of the BMPs and SWPPPs. Currently, the General Permit provides the Regional Boards with discretionary authority to require submittal of SWPPPs, Monitoring Programs, Post-construction Management Plans, and additional monitoring, including sampling and analysis of storm water discharges from construction sites. This NPDES permit differs from the General Permit only in that it exercises this discretionary authority by requiring the dischargers to monitor storm water discharges from their sites and to submit SWPPPs, Monitoring Programs and Post-construction Management Plans.

In the absence of WLAs, specified in TMDLs for construction projects in the area, these amendments to the General Permit are necessary to properly regulate and monitor the discharges from all new developments in the area. Adoption of this amended permit would allow these developments to proceed prior to the expected completion of the Elsinore/Canyon Lake TMDLs in 2004.



## STORM WATER PERMIT FOR THE SAN JACINTO WATERSHED

**II. PERMIT REQUIREMENTS/REGULATORY BASIS**

The proposed order includes BMP requirements, narrative limits, prohibitions, and receiving water limitations. Additionally, the order requires all dischargers, where new development disturbs five acres or more, to:

- 1) Develop and implement a Storm Water Pollution Prevention Plan (SWPPP), approved by the Executive Officer, that specifies Best Management Practices<sup>8</sup> (BMPs) to minimize pollutants in storm water runoff.
- 2) Develop and implement an approved Monitoring and Reporting Program and an Inspection Program, including pre-, during- and post-construction monitoring to identify and quantify pollutants in storm water runoff from the site. This could be included in the SWPPP.
- 3) Develop and implement an approved Post-Construction Management Program; this program should identify parties responsible for the long-term operation and maintenance of any structural or programmatic controls proposed in the Post-Construction Management Program and long-term funding mechanisms for operation and maintenance. This could also be included in the SWPPP.

The Order accompanying this Fact Sheet regulates storm water runoff from new developments within the San Jacinto watershed. Dischargers<sup>10</sup> are required to submit a Notice of Intent (NOI) to obtain coverage under this Order. It is expected once the TMDLs are developed for the Lakes, this Order will be revised. When this occurs, those dischargers will be regulated under the revised Order.

**A. PROHIBITIONS**

This Order authorizes the discharge of storm water to surface waters from new developments that result in the disturbance of five or more acres of land. It prohibits the discharge of materials other than storm water and authorized non-storm water. It also prohibits the discharge of a hazardous substance in excess of reportable quantities established at 40 Code of Federal Regulations (CFR) 117.3 or 40 CFR 302.4 unless a separate NPDES Permit has been issued to regulate those discharges. In addition, this order contains provisions that uphold discharge prohibitions contained in the Water Quality Control Plan for the Santa Ana River Basin (Basin Plan).

**B. EFFLUENT LIMITATIONS**

This order is an interim control measure for discharges to impaired waters. This interim control measure should at least ensure that the current water quality is maintained and/or improved until TMDLs are adopted. It is expected that the requirements for appropriate BMPs and other control measures will achieve this objective and that the

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monitoring program will determine compliance with the permit conditions. The TMDLs will be designed to improve water quality in the Lakes, and eventually to restore all beneficial uses.

Permits for storm water discharges associated with new development shall meet all applicable provisions of Sections 301 and 402 of the CWA. These provisions require controls of pollutant discharges that utilize best available technology economically achievable (BAT) and best conventional pollutant control technology (BCT) to reduce pollutants, and any more stringent controls necessary to meet water quality standards. It is anticipated that the water quality standards will be met through implementation of appropriately developed SWPPPs, Monitoring Programs, and Post-construction Management Plans.

If the monitoring program indicates that the provisions of this Order are not being met, additional control measures are required.

Another major problem with construction sites is the discharge of pollutants in non-storm water. Non-storm water discharges include a wide variety of sources, such as water line flushing, landscape irrigation, diverted stream flows, foundation drains, agricultural irrigation water, water from crawl spaces, street washdown, footing drains, individual car washing, improper dumping, spills, or leakage from storage tanks or transfer areas. Non-storm water discharges may contribute a significant pollutant load to receiving waters. The proposed order authorizes certain types of non-storm water discharges under specified conditions. Measures to control spills, leaks, and dumping and to prevent illicit connections during construction shall be addressed through structural as well as non-structural BMPs.

The requirements of this order are intended to be implemented on a year-round basis, not just during the part of the year when there is a high probability of a precipitation event that results in storm water runoff. The order must be implemented at the appropriate level and in a proactive manner during all seasons while construction is ongoing. Post-construction management of runoff from the area is another important facet of the proposed order.

**C. RECEIVING WATER LIMITATIONS**

Construction related activities that cause or contribute to an exceedance of water quality standards must be corrected immediately and cannot wait for the Regional Board to approve a plan of action to correct. The dynamic nature of new development allows the discharger the ability to more quickly identify and correct the source of the exceedances. Therefore, the discharger is required to take immediate corrective action and to provide a report to the Executive Officer within 5-calendar days of the violation describing the violation and the corrective action.

**D. STORM WATER POLLUTION PREVENTION PLAN**

This order requires development and implementation of a SWPPP. This document emphasizes the use of appropriately selected, correctly installed and maintained pollution reduction BMPs, a monitoring and reporting program and a post-construction management program. This approach provides the flexibility necessary to establish BMPs that can effectively address source control of pollutants during various phases of construction, and for post-construction management programs.

All dischargers will be required to prepare and implement a SWPPP prior to disturbing a site. The SWPPP must be implemented at the appropriate level to protect water quality at all times throughout the life of the project. Non-storm water BMPs must be implemented year-round. The SWPPP must remain on the site while the site is under construction, commencing with the initial mobilization<sup>11</sup>, and ending with the termination of coverage under the permit.

The SWPPP has two major objectives: (1) to help identify the sources of sediment and other pollutants that affect the quality of storm water and non-storm water discharges and (2) to describe and ensure the implementation of BMPs to reduce or eliminate sediment and other pollutants in storm water discharges. The SWPPP must include BMPs that address source control and, if necessary, must also include BMPs that address pollutant control.

Required elements of a SWPPP include: (1) site description addressing the elements and characteristics specific to the site, (2) descriptions of BMPs for erosion and sediment controls, (3) BMPs for construction waste handling and disposal, (4) implementation of approved local plans, (5) proposed post-construction controls, including description of local post-construction erosion and sediment control requirements, and (6) non-storm water management.

To ensure that the preparation, implementation, and oversight of the SWPPP is sufficient for effective pollution prevention, individuals responsible for creating, revising, overseeing, and implementing the SWPPP must participate in applicable training programs and document such training in the SWPPP.

SWPPPs are reports that are available to the public under Section 308(b) of the CWA and will be made available by the Regional Board upon request.

**E. RUN-ON FROM UPSTREAM SOURCES AND THE MONITORING PROGRAM**

Another major feature of the order is the development and implementation of a monitoring and reporting program. A number of dischargers have expressed concern regarding potential pollutants from upstream sources. In such cases, it is necessary to establish the

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quality of storm water run-on from upstream sources to determine the amount of pollutant discharges from the site. The monitoring program should include any proposed pre-construction, during- and post-construction monitoring, and any monitoring of run-on from upstream sources. To minimize monitoring cost, the discharger may use data from other published and reliable sources.

All dischargers are also required to conduct inspections of the construction site prior to anticipated storm events and after actual storm events. During extended storm events, inspections must be made during each 24-hour period. The goals of these inspections are: (1) to identify areas contributing to a storm water discharge; (2) to evaluate whether measures to reduce pollutant loadings identified in the SWPPP are adequate and properly installed and functioning in accordance with the terms of the order; (3) to determine whether additional control practices or corrective maintenance activities are needed to insure compliance with the terms and conditions of this order; and (4) to sample and analyze the discharge. Equipment, materials, and workers must be available for rapid response to failures and emergencies. All corrective maintenance to BMPs must be performed as soon as possible, depending upon worker safety.

The monitoring program is intended to determine the effectiveness of the control measures and to determine pollutant levels in the discharges from construction projects. A well-developed monitoring program will provide a good method for checking the effectiveness of the SWPPP.

**F. POST-CONSTRUCTION MANAGEMENT PLAN**

The Post-construction Management Plan must include structural and non-structural control measures, public education programs, and other storm water and non-storm water management programs to ensure control of pollutants in discharges from new developments. It should also identify mechanisms and responsible parties for funding, operation and maintenance.

Under the Riverside County Area-wide Urban Storm Water Runoff Permit, the municipalities are responsible for discharges from storm water conveyance systems owned and/or operated by them. It is anticipated that in most cases, the post-construction management of storm water from new developments, including any structural controls, will also be the responsibility of the municipalities.

**G. OFFSET PROVISIONS**

In certain cases, economics may dictate that it is cost effective to remove a pollutant after its discharge from the project site (e.g., nutrient removal utilizing a wetland area constructed outside the project site.) The order provides the discharger an option to propose offsets for pollutant discharges. To be acceptable, the offset

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proposal should be only for pollutants that will not have an immediate impact on the environment and the pollutants should be removed from the impacted watershed.

**H. REPORTING REQUIREMENTS**

Each discharger must certify annually during the life of the project that the new developments were in compliance with the requirements of this order. Dischargers who cannot certify annual compliance must notify the Executive Officer at the time of submittal of the annual report on August 1 (see additional reporting requirements in the next paragraph).

The dischargers must report all serious violations (violations that could have an immediate adverse impact on human health or the environment) to the Executive Officer by phone within 24 hours of becoming aware of the violation. A written report is required to be submitted within 5 days. An annual report including a summary of all inspection reports, analytical results, and annual certification is to be submitted by all dischargers to the Regional Board office by August 1, of each year covering activities for July 1 to June 30.

**III. RETENTION OF RECORDS**

The discharger is required to retain records of all monitoring information, copies of all reports required by this order, and records of all data used to complete the NOI for all new developments to be covered by the order for a period of at least three years from the date generated. This period may be extended by request of the Executive Officer.

**IV. TYPES OF NEW DEVELOPMENTS COVERED BY THIS ORDER**

New developments subject to this order include any clearing, grading, disturbances to the ground such as stockpiling, or excavation that results in soil disturbances of at least five acres of total land area. New developments that result in soil disturbances of less than five acres are subject to this Order if the new development is part of a larger common plan of development that encompasses five or more acres of soil disturbance or if there is significant potential for water quality impairment resulting from the activity. New developments do not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of a facility, nor do they include emergency new developments required to protect public health and safety. Dischargers should confirm with the Regional Board office whether or not a particular routine maintenance activity is subject to this order.

A construction project that includes a dredge and/or fill discharge to any jurisdictional surface water (e.g., wetland, channel, pond, or marine water) will also need a CWA Section 404 permit from the U.S.

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Army Corps of Engineers and a CWA Section 401 Water Quality Certification from the Regional Board.

**V. NOTIFICATION/PLAN APPROVAL REQUIREMENTS****A. NEW DEVELOPMENT**

It is the responsibility of the discharger to obtain coverage under this order and to have the plans and programs approved by the Executive Officer of the Regional Board prior to commencement of new developments. To obtain coverage, the discharger must file a NOI with the Regional Board office, including a vicinity map and a fee of \$250. In addition, coverage under this permit shall not occur until the SWPPP, the Monitoring and Reporting Program and the Post-construction Management Program are approved by the Executive Officer. Section A of the Order outlines the required contents of a SWPPP, the Monitoring Program and the Post-construction Management Program. For proposed new development on easements or on nearby property by agreement or permission, the entity responsible for the new development must file a NOI and filing fee and shall be responsible for development of the SWPPP, Monitoring and Reporting Program, and Post-construction Management Plan, all of which must occur prior to commencement of new developments.

A separate NOI must be submitted to the Regional Board for each construction site. Dischargers proposing new developments must file a NOI prior to the commencement of construction.

The NOI requirements of the Order are intended to establish a mechanism that can be used to clearly identify the responsible parties, locations, and scope of operations of dischargers covered by the Order and to document the discharger's knowledge of the requirements for a SWPPP.

The NOI must be sent to the following address:

Regional Water Quality Control Board  
Storm Water Section  
3737 Main Street, Suite 500  
Riverside, CA 92501-3348

The current annual fee for this NPDES permit is \$250.

When construction is complete or ownership has been transferred, dischargers shall file a Notice of Termination to the above address certifying that all State and local requirements have been met in accordance with Special Provisions for Construction Activity, C.7, of the Order.

Dischargers who fail to obtain coverage under this Order for storm water discharges to surface waters will be in violation of the CWA and



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the California Water Code. The CWA and the California Water Code provide for civil and criminal penalties for such violations.

**B. EXISTING DEVELOPMENTS**

All ongoing construction activities will be reviewed on a case-by-case basis to determine the applicability of this Order.

**VI. AREAS COVERED UNDER THIS PERMIT:**

All proponents of new developments in areas tributary to Canyon Lake and/or Lake Elsinore are required to be covered under this permit. This includes most areas within the Cities of Canyon Lake, Idyllwild, Hemet, Lake Elsinore, Perris, San Jacinto, Sun City and portions of Moreno Valley and unincorporated county areas tributary to these areas. However, it is recognized that runoff from some of these areas may not reach these Lakes. As discussed below, exemptions from coverage under this permit can be granted.

**VII. EXEMPTIONS:**

If the project proponent provides sufficient proof (area hydrology and topography, historic runoff data, retention ponds or other runoff control structures, etc.) that a proposed project would not impact water quality in Canyon Lake and/or Lake Elsinore, an exemption from coverage under this permit can be granted. Any requests for an exemption from this permit must be submitted to the Executive Officer, with all supporting documentation, at least 60 days prior to any earth disturbing activities. The Executive Officer will inform the discharger if an exemption is granted. If an exemption from this permit is granted, coverage under the State Board's General Permit may still be required.

**VIII. COST ANALYSIS:**

This Order proposes to implement the State's General Permit, but specifically requires monitoring for storm water runoff from project sites or participation in a watershed-wide monitoring program. Generally, monitoring is not required under the General Permit (the July 27, 2000 Sacramento Superior Court ruling might require the State to add this requirement to the General Permit). Therefore, this cost analysis only considers the incremental cost of monitoring and analysis of storm water runoff from project sites. The requirements include monitoring of three storm events per wet season and analyzing for sediments, nutrients, toxicity, pH, and total and fecal coliform bacteria. The following analytical costs include sample pickup, are based on Regional Board's contract laboratory costs, and are expected to be representative of the costs for most laboratories in the area.

Total suspended solids (sediments)

= \$7.00

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Combined nutrient analysis (nitrogen and phosphorus compounds)	= \$60.00
Acute toxicity testing	= \$150.00
pH	= \$4.00
Total coliform	= \$15.00
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Total analytical cost per sample	= \$236.00

This estimate does not include costs for collecting the samples. Since samples are required to be collected only during normal operating hours, it is expected that construction site personnel would be available to perform this task and the incremental cost for this would be minimal.

It is also likely that each construction site may have more than one discharge location. The order provides an option for reducing the number of monitoring locations by selecting representative sampling locations.

**IX. GENERAL INFORMATION:****A. APPLICATION FORM/NOI:**

The application (NOI) is attached to the Order. See the cover sheet/NOI Instructions for application/fee details and Section V for other plan approval requirements.

**B. REGIONAL BOARD CONTACT INFORMATION:**

To determine the appropriate Regional Board staff contact, please visit: [www@rb8.swrcb.ca.gov/rwqcb8](http://www@rb8.swrcb.ca.gov/rwqcb8) or call 909-782-4130. The office is located at:

3737 Main Street, Suite 500  
Riverside, CA 92501-3348

**C. WEATHER INFORMATION:**

Weather and storm predictions or weather information concerning the 10-year, 6-hour storm event and mean annual rainfall can be obtained by calling the Western Regional Climate Center at 702- 677-3106 or via the Internet at [www.wrcc.dri.edu/precip.html](http://www.wrcc.dri.edu/precip.html) and/or [www.wrcc.dri.edu/pcpnfreq.html](http://www.wrcc.dri.edu/pcpnfreq.html). Other rainfall information is available at [www.cdec.water.ca.gov](http://www.cdec.water.ca.gov).

**D. DEFINITIONS:**

<sup>1</sup>Waters of the United States:

- (a) All surface waters, including rivers, lakes, streams  
(including intermittent streams), mudflats, sandflats,



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wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds

- (b) Tributaries of waters identified in paragraph (a);
- (c) The territorial sea; and
- (d) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (c) of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA are not waters of the United States. Waters of the State include surface and groundwaters.

<sup>2</sup>*Point Source Discharges:*

Discharges conveyed through discrete conveyance systems such as pipes, conduits, channels, etc.

<sup>3</sup>*Storm Water Runoff:*

Runoff generated from rain, snow, sleet, hail or any other form of precipitation including surface runoff and drainage.

<sup>4</sup>*New Development:*

Any project that disturbs five or more acres of land, including construction activities.

<sup>5</sup>*San Jacinto Watershed:*

All areas that drain into the San Jacinto River with a terminus in Canyon Lake and/or Lake Elsinore and drainage areas tributary to these Lakes.

<sup>6</sup>*Beneficial Uses:*

All past, present and potential uses of waters of the Region. Beneficial uses are designated in the Basin Plan.

<sup>7</sup>*Non-Point Source Discharges:*

Discharges from dispersed, and often hard to identify sources.

<sup>8</sup>*Best Management Practices:*

Practices, procedures, activities, employed to properly manage wastes and to prevent or reduce pollutants in discharges from the facility.

<sup>9</sup>*Non-Storm Water Discharges:*

Any runoff that is not caused by precipitation (not originating from rain, snow, sleet, hail, etc).

<sup>10</sup>*Dischargers:*

Owners of land, developers, contractors, or any other entity responsible for the project.

<sup>11</sup>*Commencement of Construction:*

The initial disturbance of soils associated with clearing, grading, or excavating activities or other construction activities.

## **Errata for**

### **ITEM 14 (January 19, 2001)**

#### **GENERAL PERMIT FOR STORM WATER RUNOFF ASSOCIATED WITH NEW DEVELOPMENTS IN THE SAN JACINTO WATERSHED**

1. Add the following to the definition of “New Development” on Page 14 of 14 of the Fact Sheet:

“Projects that have obtained coverage under the State Board’s General Construction Permit (Water Quality Order No. 99-08-DWQ) prior to January 19, 2001 are not considered new developments and are not required to get coverage under Order No. 01-34.”

2. Replace the second sentence in Order No. 01-34, Finding 2 on Page 1 of 38 with the following:

“Order No. 01-34 is similar to the State Water Resources Control Board’s General Storm Water Permit for Construction Activity (Water Quality Order No. 99-08-DWQ) (State Board’s General Construction Permit) except for the following changes:

- a) Monitoring and reporting requirements have been added;
- b) Storm Water Pollution Prevention Plans (SWPPPs), Monitoring Programs, and Post-construction Management Plans must be submitted for approval in advance for construction activities; and,
- c) Offset provisions have been added.

Projects that have obtained coverage under the State Board’s General Construction Permit prior to January 19, 2001 are not required to get coverage under Order No. 01-34. If a project is covered under Order No. 01-34, coverage under the State Board’s General Construction Permit is not required.”

3. Change the reference to Section D to Section E in Item 7 on Page 7 of 38.
4. Add the following after Section A.4.b on Page 10 of 48:

“c. The amendments to the SWPPPs are not effective until approved by the Executive Officer.”

5. Add the following after Item 15 on Page 20 of 38:

“16. All structural and non-structural BMPs shall be constructed and maintained in compliance with the requirements of federal, state, and local agencies.”